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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,074	12/07/2001	Sanjay Ranka	Product Engine-008	6239
50086 7590 09/15/2010 LAW OFFICE OF DAVID H. JUDSON 15950 DALLAS PARKWAY SUITE 225 DALLAS, TX 75248			EXAMINER MACASIANO, MARILYN G	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 09/15/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@davidjudson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/017,074	<b>Applicant(s)</b> RANKA ET AL.	
	<b>Examiner</b> MARILYN MACASIANO	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 69-74 is/are pending in the application.
- 4a) Of the above claim(s) 69-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed on March 10, 2010. Claims 1-68 are cancelled and new claim 74 is added. Claim 74 is currently pending and is considered below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ranka et al. (U.S. Pub. No. 2002/0035568) (hereinafter 'Ranka') in view of Benthin et al. (U.S. Pub. No. 2002/0035568) (hereinafter 'Benthin').

Claim 74: Ranka discloses an apparatus, comprising:

a processor (Abstract);

a computer memory holding computer program instructions which when executed by the processor comprise (Abstract):

an optimization process programmed to receive message performance information and to generate recommended message allocations (col. 3-4 lines 66-3) Ranka teaches retrieving message performance information and generate recommended message allocations for a next stage).

Ranka teaches the limitations mentioned above, Ranka does not explicitly teach a segmentation process programmed to segment a target visitor population into a set of segments using one or more templates each comprising one or more cells, wherein the segmentation process compares a set of possible segmentations and uses a greedy algorithm to identify a segmentation that segments the target visitor population such that each cell for a given template belongs to one of the segments and an allocation process programmed to receive the recommended message allocations from the optimization process and to receive the set of segments from the segmentation process and, in response, generating message allocations.

However, Benthin teaches a segmentation process programmed to segment a target visitor population into a set of segments, wherein the segmentation process compares a set of possible segmentations and uses a greedy algorithm to identify a segmentation that segments the target visitor population. In paragraph 12, **Benthin** teaches an apparatus for controlling presentation of information to a customer. This apparatus comprises a customer segmentation manager allowing customer profiles to be segmented based on campaigns, user actions, or both. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Ranka to include a segmentation process programmed to segment a target visitor population into a set of

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segments, wherein the segmentation process compares a set of possible segmentations and uses a greedy algorithm to identify a segmentation that segments the target visitor population because doing so ensures a certain standard of quality of presentation of information to customers in accordance with a particular campaign.

Benthin further teaches an allocation process programmed to receive the recommended message allocations from the optimization process and to receive the set of segments from the segmentation process and, in response, generating message allocations. In paragraphs 12 and 15, **Benthin** teaches a customer profile database containing data on customer response, and the campaign editor comprises a customer behavior analysis module connected to the customer profile database and then outputting data indicative of customer response to at least one of the plurality of campaigns. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Ranka to include an allocation process programmed to receive the recommended message allocations from the optimization process and to receive the set of segments from the segmentation process and, in response, generating message allocations in order to control an automatic presentation of information to a customer in accordance with said campaign.

### ***Response to Arguments***

4. The rejection of claims 1-68 under 35 U.S.C. 101 has been withdrawn because the Applicants have cancelled those claims in their amendments filed March 10, 2010.

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5. The rejection of claims 1-68 under 35 U.S.C. 103(a) has been withdrawn because the Applicants have cancelled those claims in their amendments filed March 10, 2010.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Tsutani et al. (U.S. Pub. No. 2003/0110080) System and method for optimizing an advertisement to be distributed to a site on internet.

b. Galperin et al. (U.S. Patent No. 6,993,493) Method for optimizing net present value of a cross-selling marketing campaign.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARILYN MACASIANO whose telephone number is (571)270-5205. The examiner can normally be reached on 5/4/9 8:00-5:30 Mon.-Thur. 8:00-4:30 Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./  
Examiner, Art Unit 3688  
09/09/2010

/JOHN G. WEISS/

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Supervisory Patent Examiner, Art Unit 3688